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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,574	03/03/2004	Ed E. Kalau	P 114 US	3107
49127	7590	06/07/2006	EXAMINER	
HICKS & PENMAN LTD. 3553 31ST STREET NW SUITE 123 CALGARY, AB T2L2K7 CANADA			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicant(s)</b>	<b>Applicant(s)</b>	
	10/791,574	KALAU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tuan C. To	3663	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 15-17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The indicated allowability of claims 14, 15, 19, and 20 is withdrawn in view of the newly discovered reference(s) to Price et al. (US 6356186B1). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9, 15, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathans (U.S. 6581712B1), and in view of Price et al. (US 6356186B1) which is listed in IDS.

With respect to claims 1 and 17, the U.S. reference No. '712B1 to Nathans has been cited as teaching typically a vehicle immobilization system, comprising: a data processor (4) connected with the truck disable device (3) which is a run circuit for enabling or disabling the ignition (Nathans, figure 1, data processor 4, truck disabler 3; column 4, lines 28-44), an input keypad as shown in figure 4 for inputting a specific code (Nathans, column 2, lines 35-53; column 6, lines 24-35), at least one sensor, biometric sensor (5), connected to the processor (4) for sensing the presence of user (Nathans, column 4, lines 13-27). In response to the signal input from said sensor, the processor generates a signal to trigger the armed mode if the sensor does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4). Nathans further discloses that the processor (4) is responsive to the terrorist acting by disabling the tanker truck (Nathans, column 2, lines 35-53) while the truck is idling or when if the truck driver's hand does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4).

The reference to Nathans does not that the represented herein data processor is also operable in a maintenance mode and requires entry of a maintenance code to enter the maintenance mode.

The reference to Price et al. directs to a vehicle anti-theft system and method, in which the operator is required to enter password to the display (62) (see figure 1) or to enter an arm code to start the engine in optimized idle mode (column 6, lines 46-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathans to include the teachings as taught by Price et al. so that the vehicle can not be removed without the permission from the vehicle owner, and therefore, an act of terrorist that attempt to destroy a target asset on the ground would be avoided.

With regard to claim 2, Nathans discloses that the hand reader (5) shown in figure 1 of Nathans would sense the authorized driver, and then provide the OK signal to the processor (4). As a result, the armed mode would turn the processor (4) from armed mode to the run mode if the vehicle currently in the armed mode (Nathans, figure 1, hand reader 5).

With regard to claim 3, Nathans describes that the armed mode is on when an unauthorized individual or terrorist try to operate the vehicle (Nathans, abstract).

With regard to claim 4, Nathans, as discussed above, discloses that the hand reader sensor (5) is considered as the biometric sensor detects the presence of a user within the vehicle.

With regard to claim 5, Nathans teaches that the biometric sensor (5) could be facial feature reader connected to the processor (4) to trigger the armed mode (Nathans, figure 1, hand reader 5, processor 4).

With regard to claims 6 and 8, the immobilization system disclosed by Nathans includes the input key-pad located at the steering wheel of the vehicle (Nathans, figure 4, keypad 41).

With regard to claim 7, referring to figure 1 of Nathans, the keyboard (40) coupled via IR transmitter (43) for wirelessly transmitting signal to the processor (4)

With regard to claim 9, the processor (5), illustrated in figure 1 of Nathans, is responsive to the signal from the sensor switch mat that senses the weight of the intruder (Nathans, column 5, lines 11-22).

With regard to claims 15 and 20, Price et al. discloses that the microprocessor requires entry of a maintenance code to exit the maintenance mode (see abstract; column 6, lines 46-65).

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathans, Price et al., and in further in view of Flick (U.S. 6696927B2).

With respect to claims 10-12, Nathans teaches a vehicle immobilization system, comprising: a data processor (4) connected with the truck disable device (3) which is a run circuit for enabling or disabling the ignition (Nathans, figure 1, data processor 4, truck disabler 3; column 4, lines 28-44), an input keypad as shown in figure 4 for inputting a specific code (Nathans, column 2, lines 35-53; column 6, lines 24-35), at least one sensor, biometric sensor (5), connected to the processor (4) for sensing the presence of user (Nathans, column 4, lines 13-27). In response to the signal input from said sensor, the processor generates a signal to trigger the armed mode if the sensor does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4).

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According to Nathans, the biometric sensor (5) could be facial feature reader connected to the processor (4) to trigger the armed mode. Nathans further discloses that the processor (4) is responsive to the terrorist acting by disabling the tanker truck (Nathans, column 2, lines 35-53) while the truck is idling or when if the truck driver's hand does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4).

Price et al. disclose that the operator is required to enter password (code) to access the maintenance mode of vehicle.

Neither Nathans nor Price et al. disclose the following: "a remote signal interface operatively connected to the microprocessor for receiving wireless signals from a remote source sand wherein microprocessor software can be updated upon receipt of a remote signal"

The reference to Flick is directed to a vehicle security system for a vehicle, comprising a remote transmitter (50) that can switch the controller (11) between armed mode and disarmed mode (Flick, column 8, lines 16-25), and the software of the processor of the controller (11) can be updated upon the receipt of a remote signal (Flick, column 8, lines 3-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathans and Price et al. to include the teachings as taught by Flick so that a vehicle such as a tanker truck, a trailer or a typical heavy truck that are probably hijacked by terrorists and used for attacking a specific target would be disable in a short period of time after the vehicle has been hijacked, and

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that the vehicle would be disabled by either from a person who is carrying a remote device or from an authorized person at a remote control center.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nathans, Flick (U.S. 6696927B2), and further in view of Dennis (U.S. 20040113761A1).

With respect to claim 18, Nathans, as represented above, discloses all features as claimed in claim 1 except for the teaching of: "microprocessor is operable in a maintenance mode"

The reference to Dennis has been provided to overcome the missing feature from Nathans by disclosing a vehicle security and maintenance system, in which the on-board computer is operated in a maintenance mode (Dennis, page 3, paragraph [0023]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathans to include the teachings as taught by Dennis so that a vehicle component, electronic device, or a particular mechanical system within the vehicle might be diagnosed or replaced in order to maintain the running condition in good condition.

### ***Response to Amendment***

Applicant's amendment filed on 02/18/2005 fails to place the application in a condition of allowance because the cited prior art still reads on the claimed limitation of the present invention.

***Conclusions***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

May 19, 2006